

IN THE DRAWINGS

The attached sheet of drawings labels Fig. 1 as “Prior Art.” This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Figure 1 has been amended to label the figure as “Prior Art.” The specification has been amended to incorporate section headings, as required in the Office Action.

The improper multiple claim dependencies in the original claims have been corrected. Additionally, the claims have been amended to delete “the said” or “a said.”

Claim 2 has been canceled, and the subject matter thereof has been incorporated into Claim 1. In doing so, the “or omitting” recitation noted in the rejection under 35 U.S.C. § 112 has been eliminated.

Claim 1 now recites that the primary strengthening member is larger than the auxiliary strengthening member, and that the smaller of the pair of cover plates includes at least one primary or auxiliary strengthening member. Basis for this is believed to be clearly evident from the specification.

The claimed invention is directed to a covering for an access aperture comprised of at least a pair of cover plates of unequal sizes that are positioned one adjacent another along a line of juxtaposition to define at least part of the covering. According to the invention, the larger of the pair of cover plates includes one or more primary strengthening members and at least a first auxiliary strengthening member, wherein the primary strengthening member is larger than the auxiliary strengthening member. The smaller of the pair of cover plates also includes at least one primary or auxiliary strengthening member. The smaller cover plate therefore contributes to the overall strength of the covering (page 3, lines 11-14).

The original claims were rejected under 35 U.S.C. § 103 as being obvious over U.S. patent 6,276,093 (Jenesky) in view of U.S. patent 6,116,813 (Pate), or as being obvious over Pate in view of Jenesky. In each case, Pate was cited to teach the presence of strengthening members on each of the plates of a cover member. This rejection is respectfully traversed.

Janesky discloses a cover for an access aperture, comprising a pair of cover plates of unequal sizes that are positioned one adjacent the other along a line of juxtaposition.

However, there is no disputed that Janesky does not disclose the claimed strengthening members.

Pate discloses a cover for an in-ground meter, the cover comprising a *single* plate 12 having an access opening 54, as well as a peripheral rib 25 and transverse reinforcing ribs 26-34. The cover plate 12 of Pate comprises a single member and not the claimed “at least a pair of cover plates, of unequal sizes ... positioned one adjacent the other,” and so Pate cannot provide the purported teaching of strengthening members on both of a pair of cover plates.

Applicant assumes that the Office Action considers the access lid 46 that is pivotally mounted onto the cover plate 12 of Pate to comprise the smaller of the cover plates. As a threshold matter, this characterization of the lid 46 of Pate as one of a pair of cover plates of unequal sizes that are positioned one adjacent the other along a line of juxtaposition is respectfully traversed since the lid 46 is mounted to the cover plate 12, and is not positioned adjacent thereto along a line of juxtaposition.

Moreover, even if one accepts, *arguendo*, that the lid 46 is one of a pair of cover plates of unequal sizes that are positioned one adjacent the other along a line of juxtaposition, there is no teaching in Pate that such a “smaller of the pair of cover plates” includes “at least one primary or auxiliary strengthening member.” It is noted that the Office Action considers element 47 shown in Fig. 6 of Pate to be a strengthening member. However, there is no evidence of this in Pate. It is noted that the specification of Pate does not mention or describe element 47 of Fig. 6. It therefore apparently represents the result of a drafting error. In any case, the illustration of such an element in Fig. 6 does not inherently teach a strengthening member since the feature labeled 47 in Fig. 6 could be a recess or groove, or even a marking.

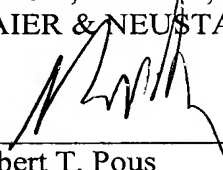
Since there is no dispute that Jenesky also fails to disclose the claimed strengthening members, it is respectfully submitted that the amended claims define over any combination of Pate and Jenesky.

Dependent Claim 19 recites that the frame and each cover plate engage one another at three mutually spaced locations to define a non-rocking support for each cover plate. This is not taught in the cited references.

Applicants therefore believe that the present application is in a condition for allowance and therefore solicit an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Robert T. Pous
Registration No. 29,099
Attorney of Record

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)